

Bail Application
Alberto Lopes

Biographical Information

- Alberto Lopes is a 49-year-old immigrant from Cape Verde, who arrived in the United States when he was five years old. He has resided in Massachusetts ever since, until he was detained by ICE and processed into Donald W. Wyatt Detention Facility in Central Falls, RI (“Wyatt”). English is the only language he is fluent in.
- Mr. Lopes has three sons, ages 18, 26, and 28. All three are U.S. citizens and live in Massachusetts. Mr. Lopes was active in raising them all and has a close relationship with each. Mr. Lopes’s youngest son in particular, who is still in high school, has been negatively impacted by Mr. Lopes’s detention, depressed that his father will be unable to see him graduate and send him off to college. *See* Exhibit A, Decl. of LaKeara Ingram, at ¶¶ 6, 8–9; Exhibit B, Letter of Support from Dyllan Lopes.¹ Mr. Lopes is on good terms with his ex-wife, LaKeara Ingram, the mother of two of his sons, with whom he has a strong co-parenting relationship. *See* Exhibit A at ¶¶ 3, 12. He also has two U.S. citizen grandchildren, and is expecting a third. *See* Exhibit A at ¶ 8.
- Mr. Lopes also has two elderly parents and four siblings who are all U.S. citizens. *See* Exhibit C, Motion to Set Aside Verdict, at 3. His parents and his sister, Isabel Clark, live in Boston, MA. Mr. Lopes previously helped care for his parents by providing transportation and other support. *See* Exhibit D, Letter of Support from Isabel Clark.
- Mr. Lopes has the support of his girlfriend, Lula Drayton, who has dated him since 2014. Mr. Lopes helped co-parent her son. *See* Exhibit E, Letter of Support from Lula Drayton; Exhibit F, Letter of Support from Tre’voun Drayton.
- While living in Boston, Mr. Lopes mentored children in his community, including through coaching basketball and supporting children whose fathers were absent. *See* Exhibit A at ¶ 7.
- Mr. Lopes’s family has actively participated in his immigration and criminal cases and supported his efforts to remain in the United States.

Immigration History and Current Procedural Posture of Removal Proceedings

- Mr. Lopes was previously a lawful permanent resident, and mistakenly believed he became a citizen when he married his U.S. citizen ex-wife, Ms. Ingram. *See* Exhibit A at ¶ 4; Exhibit C at 3.
- On June 28, 2012, an Immigration Judge ordered Mr. Lopes removed from the United States. Mr. Lopes appealed the outcome, and the appeal was dismissed on June 28, 2013.
- Mr. Lopes was taken into ICE custody and processed into Wyatt on November 13, 2020.
- Mr. Lopes has retained an immigration attorney with the support of his family. On January 5, 2021, his attorney moved to reopen his immigration case based on the verdict being set aside in his criminal case, as described below.

¹ Exhibits B, D, E, and F are copies of letters submitted in support of Exhibit C, the motion to set aside the 2017 conviction, which was granted in November 2020.

If Released

- If released, Mr. Lopes's girlfriend, Lula Drayton, will pick him up and bring him back to their home in Randolph, MA, where he will remain. *See* Exhibit G, Decl. of Ricca Prasad, at ¶¶ 3, 6. If for some reason she is unable to pick him up, Mr. Lopes's sister, Isabel Clark, will retrieve him and bring him to Ms. Drayton's home. *See* Exhibit G at ¶ 6.
- At Ms. Drayton's home, Mr. Lopes will be able to self-isolate in his own room and with his own bathroom and abide by any conditions the Court may impose. *See* Exhibit G at ¶ 4.
- Mr. Lopes assures he will abide by all guidelines. Ms. Drayton will take all steps she can to ensure Mr. Lopes complies with the Court or ICE's conditions. *See* Exhibit G at ¶ 5.

Medical Conditions

- [REDACTED]

Criminal History

Domestic Violence

- In 1996, Mr. Lopes was arrested on charges of assault and battery and assault with a dangerous weapon related to domestic violence. *See* ECF No. 390-4. Ms. Ingram explains in her declaration that this incident involved her, and that the charges were dismissed when she told the judge that Mr. Lopes had not physically harmed her. *See* Exhibit A at ¶ 10; ECF No. 390-4.
- On December 13, 2013, two civil restraining orders were issued against Mr. Lopes, which expired on December 19, 2013 and December 23, 2014. *See* ECF No. 390-4. Ms. Ingram was the petitioner. Following the orders' expiration, Ms. Ingram did not seek to renew the restraining orders. Ms. Ingram and Mr. Lopes are on good terms and treat each other like family. *See* Exhibit A at ¶¶ 10–12.
- Ms. Ingram is not afraid of Mr. Lopes, states there is no reason for her to feel unsafe with him, and wants him released from Wyatt. *See* Exhibit A at ¶ 13.

2013 Drug Distribution Charges

- In 2013, Mr. Lopes was arrested on drug-related charges. On September 5, 2013, the judge determined he was appropriate for release on personal recognizance pending trial, and Mr. Lopes remained in the community until his trial in 2017. *See* Exhibit L, *Commonwealth v. Lopes* Docket, at 5.
- Mr. Lopes was initially convicted of trafficking in cocaine in 2017 and sentenced to twelve years in prison at Massachusetts Correctional Institution at Norfolk. *See* Exhibit C at 4; Exhibit L at 9–10.
- While in prison, Mr. Lopes completed a parenting program and almost half of a GED program before he was released from prison. He also held a work assignment as a "Houseman," serving food and helping keep the unit clean. He requested to participate in a drug treatment program, but was told he was ineligible, though he was not told why.

- In 2020, his attorney successfully filed a motion to set aside the verdict as unjust, which was unopposed by the District Attorney and granted by the judge who presided over the trial. *See* Exhibit C at 1 (handwritten note); Exhibit L at 12–13; ECF No. 390-4. The judge entered a finding of guilty on the lesser included charge of possession of a class B controlled substance with intent to distribute, M.G.L. c. 94C § 32A(c), and sentenced Mr. Lopes to two to three years in prison. *See* Exhibit L at 12–13; ECF No. 390-4. Since Mr. Lopes had already served about three and a half years, the judge ordered his release on November 13, 2020. *See* Exhibit L at 12–13.

Other Charges

- Other than the charges described above, Mr. Lopes has a number of arrests for non-violent charges related to drugs and vehicles dating back to 1991. The majority of the charges were eventually dismissed, but he was found guilty of the following: possession of marijuana (1998), possession of marijuana (2003), operating a vehicle with a suspended license (2003), operating a vehicle with a suspended license (2004), and possession of marijuana with intent to distribute (2008). *See* ECF No. 390-4.
- Among these non-violent charges, the only ones not related to drugs or vehicles were 2003 charges for malicious destruction of property and attempt to commit a crime, which were dismissed; and a 2016 contempt charge related to his divorce, which was resolved. *See* ECF No. 390-4.